



RESPONSIBLE  
JEWELLERY  
COUNCIL

LEAD WITH PURPOSE . INSPIRE WITH TRUST  
CONTRIBUTE TO DEVELOPMENT

**Juliane Kippenberg**  
**Human Rights Watch**  
**350 Fifth Avenue**  
**34<sup>th</sup> floor**  
**New York**  
**NY, 10118-3299**  
**USA**

**24 November 2020**

Dear Juliane,

**Re: Human Rights Watch: Findings of the report 'Sparkling Jewels, Opaque Supply Chains: Jewelry companies, Changing Sourcing Practices and Covid-19'**

The RJC would like to thank Human Rights Watch (HRW) for the invitation to make an intervention on the 24<sup>th</sup> of November at the launch of your report.

We acknowledge the receipt of the Report 'Sparkling Jewels, Opaque Supply Chains: Jewelry companies, Changing Sourcing Practices and Covid-19' (the Report) on the 20<sup>th</sup> of November 2020. We attach our response in relation to the statements made regarding the RJC in Appendix 1 below.

We thank you for recognising the RJC's and our membership's consistent progress. Reviewing our standards and supporting our members in its implementation is an ongoing exercise that drives continuous improvement.

We are grateful for the regular and ongoing engagement between the RJC and HRW, and we would welcome and formally invite the active participation of HRW in the RJC Standards Committee as we strongly believe in the same objectives.

Best wishes,

**Iris Van der Veken**  
**RJC Executive Director**

[WWW.RESPONSIBLEJEWELLERY.COM](http://WWW.RESPONSIBLEJEWELLERY.COM)

THE COUNCIL FOR RESPONSIBLE JEWELLERY PRACTICES LTD.  
SECOND FLOOR, QUALITY HOUSE, 5-9 QUALITY COURT, CHANCERY LANE, LONDON, WC2A 1HP.

THE RESPONSIBLE JEWELLERY COUNCIL IS THE TRADING NAME OF THE COUNCIL FOR RESPONSIBLE JEWELLERY PRACTICES LTD.  
REGISTERED IN ENGLAND AND WALES WITH COMPANY NUMBER 05449042.

## **Appendix 1 – RJC response to HRW Report ‘Sparkling Jewels, Opaque Supply Chains: Jewelry companies, Changing Sourcing Practices and Covid-19’**

The Report suggests improvements in four key areas and makes specific findings. The RJC hereby sets out our response:

### **1. RJC’s requirement of traceability and transparency.**

Knowledge and transparency are central to the Code of Practices, and they allow members to further understand their supply chains. It is a journey of learning and continuous improvement and not an exercise that happens overnight. For members implementing KYC/AML, Due Diligence, Human Rights, Health and Safety, Labour rights, and Security requirements creates a ripple effect in a member’s supply chain. Members, with their business partners, suppliers, contractors, and employees embark on a journey of learning and continuous improvement. By increasing knowledge of its own operations, of its business partners both upstream and downstream, a member contributes to increased transparency. In turn, the increased transparency along the value chains contributes to greater traceability over time.

### **2. Robust on-the-ground human rights assessments by RJC members.**

Risk assessment is a mandatory requirement for all members under Provision 6 Human Rights Due Diligence, Provision 7 OECD Due Diligence, and Provision 23 Health & Safety. The risk-based approach is applied to carry out additional onsite assessment, if red-flags are identified and confirmed by enhanced due diligence. This is in accordance with the UN Guiding Principles and the OECD Due Diligence Guidance.<sup>1</sup>

The RJC has actively promoted human rights due diligence and organised several webinars and training sessions on this subject. RJC has a number of guidance materials and tools on risk assessment, human rights due diligence and OECD due diligence in addition to a comprehensive Code of Practices Guidance<sup>2</sup> (over 300 pages) publicly available on the RJC website. Furthermore, the RJC has recently launched an additional Due Diligence Member Toolkit for sourcing from conflict-affected and high-risk areas for diamonds and coloured gemstones members.<sup>3</sup>

At the same time the RJC has been advocating to our stakeholders the OECD Call to Action and the Joint Call to Industry to engage with artisanal and small scale mining (ASM) and the importance of SDG 5 on gender equality, especially as women have suffered disproportionately during the 2020 pandemic.<sup>4</sup>

### **3. Transparency in RJC certification process**

The auditing process is thoroughly documented as detailed in the RJC assessment manual,<sup>5</sup> which is a publicly available document.

---

<sup>1</sup> [UN Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework](#), 2011, Provision on the Corporate Responsibility to Respect Human Rights, Human Rights Due Diligence. [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#), 3<sup>rd</sup> edition. 2016.

<sup>2</sup> [RJC Code of Practice - Guidance](#), June 2019.

<sup>3</sup> [RJC OECD Due Diligence Toolkit](#), August 2020.

<sup>4</sup> [RJC Newsletters](#), Compilation

<sup>5</sup> [RJC Assessment Manual](#), July 2019

Audit firms are accredited by the RJC according to a strict examination procedure, are subject to mandatory training and undergo third party independent oversight to ensure that they are performing the audits in alignment with the assessment manual, relevant ISO requirements and the RJC accreditation manual.<sup>6</sup>

RJC certificates are published on the RJC website and include the members' certification scope, location of certified entities, the audit firm, audit dates, certification dates, applicable provisions and whether the member requires a mid-term review due to non-conformances raised by the audit. RJC also requires that these non-conformances are mitigated and closed in accordance with the corrective action plan, which must be approved by the auditor.

Full reports disclosure of our members raise challenges with consent, GDPR and data protection laws however, we have been working on improving our public reporting and aim to provide further information on non-compliances and learnings for 2021.

A new search functionality on the website was launched in 2020 to make member data more easily accessible.

#### **4. Transition time from COP 2013 to COP 2019.**

The COP 2019 was implemented over a 12-month transition period from the previous version. This process is in alignment with best practices as per the ISEAL Code of Good Practice<sup>7</sup>, which states that 'certifying entities and assurance bodies have adequate time and notice to comply with any new requirements.'

During the 18 month COP review, every provision was reviewed and updated. There were also new provisions added, such as OECD DD and members required time and resources to implement the requirements of the new Code. When the 2019 COP was launched the rule was that member's first certifications would be against the new Code of Practices for new members as of July 2019. And all recertification for existing members as of April 2020.

Exceptional derogations for members who were highly impacted by COVID were granted after being individually assessed. This was done to provide members with sufficient support while dealing with COVID constraints.<sup>8</sup> This step was essential due to the global health and safety risks of the pandemic as well as the ever-changing government regulations.

#### **5. Phased in approach – Provision 7 of the OECD Due Diligence Guidance.**

We believe there is a misunderstanding between the roll out of the Code (Rollout period) and the implementation of certain elements of COP7 - OECD Due Diligence Guidance (Phased in approach).

- The phased in approach is only applicable to conformance assessments (audits) for diamonds and coloured gemstones members. The reason is that this is the first time the OECD Due Diligence Guidance was made operational for diamonds and coloured gemstones.

---

<sup>6</sup> [RJC Process and Criteria for the Accreditation of Conformity Assessment Bodies and Auditors \(RJC Accreditation Manual\)](#), October 2019

<sup>7</sup> ISEAL Code of Good Practice: [Setting Social and Environmental Standards](#), 2014, version 6.0

<sup>8</sup> [RJC Covid-19 support page](#)

- The requirement since the release of the COP in April 2019 is for members to comply with all 5 steps of the OECD Due Diligence Guidance.

As you refer to in your Report, the RJC has actively promoted human rights due diligence and organised several webinars and training sessions on this subject since the 2020 pandemic period commenced.

- 6. 'Voluntary standards can play a role in generating dialogue and supporting companies that seek to develop best practice. But they cannot replace legal requirements, as the Report findings confirm. Ultimately, only mandatory human rights due diligence rules—laws—will create a level playing field and move the whole industry in the right direction.'**

In order to achieve a level playing field, any potential mandatory human rights legislation will always require industry standards organisations to provide the implementation frameworks. The RJC is actively engaged in the European sector dialogue to further explore how the RJC can provide a robust framework to support the implementation of human rights due diligence.<sup>9</sup>

---

<sup>9</sup> [CSR Reflection Paper, For a Coherent and Integrated EU Approach to Due Diligence, An Invitation for Dialogue and Action](#), p. 6, November 2020